

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**June 10, 1999**

## DIVISION TWO

B117547      Silbert et al.      (Not for Publication)  
v.  
Karifa Capital Corp., Ltd., et al.

The judgment is reversed. Each side to bear their own costs.

Mallano, J. (Assigned)

I concur: Boren, P.J.  
I dissent: Zebrowski, J. (Opinion)

B121528      Anil Verma Associates, Inc.      (Not for Publication)  
v.  
BSI Consultants, Inc.

The judgment is reversed with respect to the claims for breach of the implied covenant of good faith and fair dealing, the claims for breach of contract and misrepresentation with respect to the Caltrans district 6 contract, and the claim for unpaid secretarial invoices. In all other respects, the judgment is affirmed. The parties shall bear their own costs.

Mallano, J. (Assigned)

We concur:   Boren, P.J.  
                      Nott, J.

June 10, 1999-Continued

DIVISION TWO (Continued)

B119908      Madgwick, Inc.      (Not for Publication)  
v.  
Bank of America National Trust & Savings Assoc.

The judgment is affirmed.

Mallano, J. (Assigned)

We concur:    Boren, P.J.  
                    Zebrowski, J.

B120966      People      (Not for Publication)  
v.  
Portal

The Court:

The judgment is affirmed.

Boren, P.J., Zebrowski, J., Mallano, J. (Assigned)

DIVISION THREE

B119075      Daivs & Thomas, LLP      (Not for Publication)  
v.  
Freis et al.

The appeal is dismissed as being moot. Costs on appeal are awarded to Freis and Perez.

Aldrich, J.

We concur:    Klein, P.J.  
                    Kitching, J.

## DIVISION FOUR

[illegible]

The judgment is modified to reflect that appellant is ordered to pay a parole revocation fine of \$3,000, a \$50 laboratory analysis fee, a \$50 state penalty assessment and a \$35 county penalty assessment. The clerk of the superior court is directed upon issuance of remittitur to prepare a corrected abstract of judgment as forth in this opinion and to forward it to the Department of Corrections. The judgment is affirmed in all other respects.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B124043 People (Not for Publication)  
v.  
Montalvo

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

[illegible]

The judgment is reversed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

DIVISION FIVE

B120546      Steve D. Lautsbaugh      (Certified for Publication)  
v.  
Carol Lautsbaugh

The postjudgment order modifying spousal support is reversed. The parties are to bear their own costs on appeal.

Grignon, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, Acting P.J., Yegan, J., Coffee, J., Matz, J. (Assigned), and G. Bents, Deputy Clerk.

Each of the following:

B127065 Department of Social Services v. James H.

Argument waived, cause submitted.

B127678      Burke  
v.  
Southern California Federal Savings & Loan

Appearances:  
Louis Benjamin Robman for appellant and by Robert H. Grove for  
respondent. Argument waived, cause submitted.

B126855      Public Social Services Agency  
v.  
Stacy M.

Merits:  
Argued by Joseph J. Randazzo, assistant county counsel, for respondent and argument waived by appellant. Cause submitted.

DIVISION SIX (Continued)

B128320     Wiley  
              v.  
              Retirement Board of the Santa Barbara Co. Employees Retirement Assoc.

Merits:  
Argued by Walter R. Larsen for appellant and by David Allen, deputy county counsel, for respondent. Cause submitted.

B125077     Correa  
              v.  
              Trevino

Merits:  
Argued by Gina S. Berry for appellant, by Peggy Jarvel for respondent Trevino and by Lucia Tebbe for respondent Melissa T., minor. Cause submitted.

B126000     People  
              v.  
              Gerlach

Merits:  
Argued by Eric Kunkel for appellant and by Stephen Wiley, assistant city attorney, for respondent. Cause submitted.

B127215     Rich  
              v.  
              Southern California IBEW NECA Pension Trust Fund

Merits:  
Argued by Gabriele Mezger-Lashly for appellant and by Tiffany D. Lena for respondent. Cause submitted.

DIVISION SIX (Continued)

B122725     People  
              v.  
              Nagy

Merits:  
Argued by David J. Nick for appellant and by Mitchell F. Disney for respondent. Cause submitted.

B126848     Santa Barbara County  
              v.  
              Mariscal

Merits:  
Argued by Dan Mariscal, appellant appearing in propria persona, and argument previously waived by respondent. Cause submitted.

Court recessed at 10:25 A.M.

The Court reconvened at 1:30 P.M.

Present: Gilbert, Acting P.J., Yegan, J., Coffee, J., Matz, J. (Assigned), and G. Bents, Deputy Clerk.

Each of the following:

B117977 People v. Bennett  
B120668 People v. Peebles  
B121367 People v. Zarate  
B122191 People v. Hendrix  
B124367 People v. Maga  
B124976 People v. Miller  
B125447 People v. Diaz  
B125747 People v. Soto  
B126063 People v. Crist  
B127751 People v. Johnson  
B128968 People v. Hensley

Argument waived, cause submitted.

DIVISION SIX (Continued)

B127054     People  
              v.  
              Harris

Merits:

Argued by Marsha Kennedy for appellant and by Alan D. Tate, deputy attorney general, for respondent via video conference. Cause submitted.

B124771     People  
              v.  
              Luna

Merits:

Argued by Janet V. Mitchell for appellant and by Herbert S. Tetef, deputy attorney general, for respondent via video conference. Cause submitted.

B123898     People  
              v.  
              Koelsch

Merits:

Argued by Matthew P. Guasco for respondent and by April L. Sylvester, deputy attorney general, for respondent via video conference. Cause submitted.

B119044     People  
              v.  
              Jose G.

Merits:

Argued by Mark Ankorn for appellant and by April L. Sylvester, deputy attorney general, for respondent via video conference. Cause submitted.

Yegan, J. left the bench.

DIVISION SIX (Continued)

B124279     People  
              v.  
              Shanley

Merits:

Argued by Jerry D. Whatley for appellant and by John Yang, deputy attorney general, for respondent via video conference. Counsel for appellant shall serve and file a supplemental letter brief regarding the petition for writ of habeas corpus within 15 days. Counsel for respondent shall serve and file any reply 15 days thereafter. Counsel for respondent may request additional oral argument, otherwise, the matter will stand submitted 30 days from this date.

B123800     People  
              v.  
              Harold

Merits:

Argued by Sylvia W. Beckham for appellant and by David Andrew Eldridge, deputy attorney general, for respondent via video conference. Cause submitted.

Court adjourned at 2:50 P.M.

B125077     Correa                                 (Not for Publication)  
              v.  
              Trevino

The judgment (order modifying custody) is affirmed. Father is awarded costs on appeal.

Yegan, Acting P.J.

We concur:    Coffee, J.  
                  Matz, J. (Assigned)